

AMENDED IN SENATE MAY 7, 2014
AMENDED IN SENATE APRIL 24, 2014
AMENDED IN SENATE MARCH 26, 2014

SENATE BILL

No. 1263

Introduced by Senator Pavley

February 21, 2014

An act to ~~add Section 47604.6 to amend Sections 47605 and 47605.1~~ of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1263, as amended, Pavley. Charter schools: ~~complaints: panel hearing: location.~~

Existing law authorizes a charter school that is unable to locate within the jurisdiction or geographic boundaries of the chartering school district to establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district where the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations and either the charter school has attempted to locate a single site or facility to house the entire program, but such a site or facility is unavailable in the area in which the school chooses to locate or the site is needed for temporary use during a construction or expansion project.

This bill would delete the authority of a charter school to locate outside the jurisdiction or geographic boundaries of the chartering school district, as described above. The bill would also make nonsubstantive changes to these provisions.

Existing law authorizes a county superintendent of schools to monitor the operations of a charter school located within that county and to conduct an investigation into the operations of that charter school based upon written complaints of parents or other information that justifies the investigation.

~~This bill, if a charter school, its chartering authority, or a school district or county office of education in which the charter school operates within the boundaries of the school district or county office of education, determines that a substantive violation of certain provisions of the Charter Schools Act of 1992 has occurred, would authorize the charter school, its chartering authority, or the school district or county office of education in which the charter school operates, to submit a written complaint to a specified advisory committee. The bill, upon the receipt of the written complaint, would require the advisory committee to appoint a panel, as specified, and would authorize the panel to determine if a substantive violation of certain provisions of the Charter Schools Act of 1992 has occurred. The bill, if the panel determines that a substantive violation has occurred, would authorize the panel to recommend to the State Board of Education a corrective action plan for the charter school or local educational agency in violation and consequences if the charter school or local educational agency in violation fails to implement the corrective action plan. The bill would require the state board to consider whether to adopt and implement the recommendations submitted by the panel.~~

Vote: majority. Appropriation: no. Fiscal committee: *yes-no*. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. It is the intent of the Legislature to close the*
- 2 *statutory loopholes authorizing a charter school to locate outside*
- 3 *the geographic boundaries of the chartering school district.*
- 4 *SEC. 2. Section 47605 of the Education Code is amended to*
- 5 *read:*
- 6 47605. (a) (1) Except as set forth in paragraph (2), a petition
- 7 for the establishment of a charter school within a school district
- 8 may be circulated by one or more persons seeking to establish the
- 9 charter school. A petition for the establishment of a charter school
- 10 shall identify a single charter school that will operate within the
- 11 geographic boundaries of that school district. A charter school

1 may propose to operate at multiple sites within the school district,
2 as long as each location is identified in the charter school petition.
3 The petition may be submitted to the governing board of the school
4 district for review after either of the following conditions is met:

5 (A) The petition is signed by a number of parents or legal
6 guardians of pupils that is equivalent to at least one-half of the
7 number of pupils that the charter school estimates will enroll in
8 the school for its first year of operation.

9 (B) The petition is signed by a number of teachers that is
10 equivalent to at least one-half of the number of teachers that the
11 charter school estimates will be employed at the school during its
12 first year of operation.

13 (2) A petition that proposes to convert an existing public school
14 to a charter school that would not be eligible for a loan pursuant
15 to subdivision-(b) (c) of Section 41365 may be circulated by one
16 or more persons seeking to establish the charter school. The petition
17 may be submitted to the governing board of the school district for
18 review after the petition is signed by not less than 50 percent of
19 the permanent status teachers currently employed at the public
20 school to be converted.

21 (3) A petition shall include a prominent statement that a
22 signature on the petition means that the parent or legal guardian
23 is meaningfully interested in having his or her child or ward attend
24 the charter school, or in the case of a teacher's signature, means
25 that the teacher is meaningfully interested in teaching at the charter
26 school. The proposed charter shall be attached to the petition.

27 (4) After receiving approval of its petition, a charter school that
28 proposes to establish operations at one or more additional sites
29 shall request a material revision to its charter and shall notify the
30 authority that granted its charter of those additional locations. The
31 authority that granted its charter shall consider whether to approve
32 those additional locations at an open, public meeting. If the
33 additional locations are approved, they shall be a material revision
34 to the charter school's charter.

35 ~~(5) A charter school that is unable to locate within the~~
36 ~~jurisdiction of the chartering school district may establish one site~~
37 ~~outside the boundaries of the school district, but within the county~~
38 ~~in which that school district is located, if the school district within~~
39 ~~the jurisdiction of which the charter school proposes to operate is~~
40 ~~notified in advance of the charter petition approval, the county~~

1 superintendent of schools and the Superintendent are notified of
2 the location of the charter school before it commences operations,
3 and either of the following circumstances exists:

4 (A) The school has attempted to locate a single site or facility
5 to house the entire program, but a site or facility is unavailable in
6 the area in which the school chooses to locate.

7 (B) The site is needed for temporary use during a construction
8 or expansion project.

9 (6)

10 (5) Commencing January 1, 2003, a petition to establish a charter
11 school *may shall* not be approved to serve pupils in a grade level
12 that is not served by the school district of the governing board
13 considering the petition, unless the petition proposes to serve pupils
14 in all of the grade levels served by that school district.

15 (b) No later than 30 days after receiving a petition, in accordance
16 with subdivision (a), the governing board of the school district
17 shall hold a public hearing on the provisions of the charter, at
18 which time the governing board of the school district shall consider
19 the level of support for the petition by teachers employed by the
20 *school* district, other employees of the *school* district, and parents.
21 Following review of the petition and the public hearing, the
22 governing board of the school district shall either grant or deny
23 the charter within 60 days of receipt of the petition, provided,
24 however, that the date may be extended by an additional 30 days
25 if both parties agree to the extension. In reviewing petitions for
26 the establishment of charter schools pursuant to this section, the
27 chartering authority shall be guided by the intent of the Legislature
28 that charter schools are and should become an integral part of the
29 California educational system and that *the* establishment of charter
30 schools should be encouraged. The governing board of the school
31 district shall grant a charter for the operation of a school under this
32 part if it is satisfied that granting the charter is consistent with
33 sound educational practice. The governing board of the school
34 district shall not deny a petition for the establishment of a charter
35 school unless it makes written factual findings, specific to the
36 particular petition, setting forth specific facts to support one or
37 more of the following findings:

38 (1) The charter school presents an unsound educational program
39 for the pupils to be enrolled in the charter school.

1 (2) The petitioners are demonstrably unlikely to successfully
2 implement the program set forth in the petition.

3 (3) The petition does not contain the number of signatures
4 required by subdivision (a).

5 (4) The petition does not contain an affirmation of each of the
6 conditions described in subdivision (d).

7 (5) The petition does not contain reasonably comprehensive
8 descriptions of all of the following:

9 (A) (i) A description of the educational program of the *charter*
10 school, designed, among other things, to identify those whom the
11 *charter* school is attempting to educate, what it means to be an
12 “educated person” in the 21st century, and how learning best
13 occurs. The goals identified in that program shall include the
14 objective of enabling pupils to become self-motivated, competent,
15 and lifelong learners.

16 (ii) A description, for the charter school, of annual goals, for
17 all pupils and for each subgroup of pupils identified pursuant to
18 Section 52052, to be achieved in the state priorities, as described
19 in subdivision (d) of Section 52060, that apply for the grade levels
20 served, or the nature of the program operated, by the charter school,
21 and specific annual actions to achieve those goals. A charter
22 petition may identify additional school priorities, the goals for the
23 school priorities, and the specific annual actions to achieve those
24 goals.

25 (iii) If the proposed *charter* school will serve high school pupils,
26 a description of the manner in which the charter school will inform
27 parents about the transferability of courses to other public high
28 schools and the eligibility of courses to meet college entrance
29 requirements. Courses offered by the charter school that are
30 accredited by the Western Association of Schools and Colleges
31 may be considered transferable and courses approved by the
32 University of California or the California State University as
33 creditable under the “A” to “G” admissions criteria may be
34 considered to meet college entrance requirements.

35 (B) The measurable pupil outcomes identified for use by the
36 charter school. “Pupil outcomes,” for purposes of this part, means
37 the extent to which all pupils of the *charter* school demonstrate
38 that they have attained the skills, knowledge, and attitudes specified
39 as goals in the *charter* school’s educational program. Pupil
40 outcomes shall include outcomes that address increases in pupil

1 academic achievement both schoolwide and for all groups of pupils
2 served by the charter school, as that term is defined in subparagraph
3 (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil
4 outcomes shall align with the state priorities, as described in
5 subdivision (d) of Section 52060, that apply for the grade levels
6 served, or the nature of the program operated, by the charter school.

7 (C) The method by which pupil progress in meeting those pupil
8 outcomes is to be measured. To the extent practicable, the method
9 for measuring pupil outcomes for state priorities shall be consistent
10 with the way information is reported on a school accountability
11 report card.

12 (D) The governance structure of the *charter* school, including,
13 but not limited to, the process to be followed by the *charter* school
14 to ensure parental involvement.

15 (E) The qualifications to be met by individuals to be employed
16 by the *charter* school.

17 (F) The procedures that the *charter* school will follow to ensure
18 the health and safety of pupils and staff. These procedures shall
19 include the requirement that each employee of the *charter* school
20 furnish ~~the school~~ it with a criminal record summary as described
21 in Section 44237.

22 (G) The means by which the *charter* school will achieve a racial
23 and ethnic balance among its pupils that is reflective of the general
24 population residing within the territorial jurisdiction of the school
25 district to which the charter petition is submitted.

26 (H) Admission requirements, if applicable.

27 (I) The manner in which annual, independent financial audits
28 shall be conducted, which shall employ generally accepted
29 accounting principles, and the manner in which audit exceptions
30 and deficiencies shall be resolved to the satisfaction of the
31 chartering authority.

32 (J) The procedures by which pupils can be suspended or
33 expelled.

34 (K) The manner by which staff members of the charter schools
35 will be covered by the State Teachers' Retirement System, the
36 Public Employees' Retirement System, or federal social security.

37 (L) The public school attendance alternatives for pupils residing
38 within the school district who choose not to attend charter schools.

39 (M) A description of the rights of ~~any~~ *an* employee of the school
40 district upon leaving the employment of the school district to work

1 in a charter school, and of any rights of return to the school district
2 after employment at a charter school.

3 (N) The procedures to be followed by the charter school and
4 the entity granting the charter to resolve disputes relating to
5 provisions of the charter.

6 (O) A declaration *of* whether or not the charter school shall be
7 deemed the exclusive public school employer of the employees of
8 the charter school for purposes of Chapter 10.7 (commencing with
9 Section 3540) of Division 4 of Title 1 of the Government Code.

10 (P) A description of the procedures to be used if the charter
11 school closes. The procedures shall ensure a final audit of the
12 *charter* school to determine the disposition of all assets and
13 liabilities of the charter school, including plans for disposing of
14 any net assets and for the maintenance and transfer of pupil records.

15 (c) (1) Charter schools shall meet all statewide standards and
16 conduct the pupil assessments required pursuant to Sections 60605
17 and 60851 and any other statewide standards authorized in statute
18 or pupil assessments applicable to pupils in noncharter public
19 schools.

20 (2) Charter schools shall, on a regular basis, consult with their
21 parents, legal guardians, and teachers regarding the *charter* school's
22 educational programs.

23 (d) (1) In addition to any other requirement imposed under this
24 part, a charter school shall be nonsectarian in its programs,
25 admission policies, employment practices, and all other operations,
26 shall not charge tuition, and shall not discriminate against ~~any a~~
27 pupil on the basis of the characteristics listed in Section 220. Except
28 as provided in paragraph (2), admission to a charter school shall
29 not be determined according to the place of residence of the pupil,
30 or of his or her parent or legal guardian, within this state, except
31 that an existing public school converting partially or entirely to a
32 charter school under this part shall adopt and maintain a policy
33 giving admission preference to pupils who reside within the former
34 attendance area of that public school.

35 (2) (A) A charter school shall admit all pupils who wish to
36 attend the school.

37 (B) If the number of pupils who wish to attend the charter school
38 exceeds the school's capacity, attendance, except for existing pupils
39 of the charter school, shall be determined by a public random
40 drawing. Preference shall be extended to pupils currently attending

1 the charter school and pupils who reside in the district except as
2 provided for in Section 47614.5. Other preferences may be
3 permitted by the chartering authority on an individual school basis
4 and only if consistent with the law.

5 (C) In the event of a drawing, the chartering authority shall
6 make reasonable efforts to accommodate the growth of the charter
7 school and in no event shall take any action to impede the charter
8 school from expanding enrollment to meet pupil demand.

9 (3) If a pupil is expelled or leaves the charter school without
10 graduating or completing the school year for any reason, the charter
11 school shall notify the superintendent of the school district of the
12 pupil's last known address within 30 days, and shall, upon request,
13 provide that school district with a copy of the cumulative record
14 of the pupil, including a transcript of grades or report card, and
15 health information. This paragraph applies only to pupils subject
16 to compulsory full-time education pursuant to Section 48200.

17 (e) The governing board of a school district shall not require
18 ~~any~~ an employee of the school district to be employed in a charter
19 school.

20 (f) The governing board of a school district shall not require
21 ~~any~~ a pupil enrolled in the school district to attend a charter school.

22 (g) The governing board of a school district shall require that
23 the petitioner or petitioners provide information regarding the
24 proposed operation and potential effects of the *charter* school,
25 including, but not limited to, the facilities to be used by the *charter*
26 school, the manner in which administrative services of the *charter*
27 school are to be provided, and potential civil liability effects, if
28 any, upon the *charter* school and upon the school district. The
29 description of the facilities to be used by the charter school shall
30 specify where the *charter* school intends to locate. The petitioner
31 or petitioners *also* shall ~~also~~ be required to provide financial
32 statements that include a proposed first-year operational budget,
33 including startup costs, and cashflow and financial projections for
34 the first three years of operation.

35 (h) In reviewing petitions for the establishment of charter
36 schools within the school district, the governing board of the school
37 district shall give preference to petitions that demonstrate the
38 capability to provide comprehensive learning experiences to pupils
39 identified by the petitioner or petitioners as academically low

1 achieving pursuant to the standards established by the department
2 under Section 54032, as it read before July 19, 2006.

3 (i) Upon the approval of the petition by the governing board of
4 the school district, the petitioner or petitioners shall provide written
5 notice of that approval, including a copy of the petition, to the
6 applicable county superintendent of schools, the department, and
7 the state board.

8 (j) (1) If the governing board of a school district denies a
9 petition, the petitioner may elect to submit the petition for the
10 establishment of a charter school to the county board of education.
11 The county board of education shall review the petition pursuant
12 to subdivision (b). If the petitioner elects to submit a petition for
13 establishment of a charter school to the county board of education
14 and the county board of education denies the petition, the petitioner
15 may file a petition for establishment of a charter school with the
16 state board, and the state board may approve the petition, in
17 accordance with subdivision (b). A charter school that receives
18 approval of its petition from a county board of education or from
19 the state board on appeal shall be subject to the same requirements
20 concerning geographic location to which it would otherwise be
21 subject if it received approval from the entity to which it originally
22 submitted its petition. A charter petition that is submitted to either
23 a county board of education or to the state board shall meet all
24 otherwise applicable petition requirements, including the
25 identification of the proposed site or sites where the charter school
26 will operate.

27 (2) In assuming its role as a chartering agency, the state board
28 shall develop criteria to be used for the review and approval of
29 charter school petitions presented to the state board. The criteria
30 shall address all elements required for charter approval, as
31 identified in subdivision (b), and shall define “reasonably
32 comprehensive” as used in paragraph (5) of subdivision (b) in a
33 way that is consistent with the intent of this part. Upon satisfactory
34 completion of the criteria, the state board shall adopt the criteria
35 on or before June 30, 2001.

36 (3) A charter school for which a charter is granted by either the
37 county board of education or the state board based on an appeal
38 pursuant to this subdivision shall qualify fully as a charter school
39 for all funding and other purposes of this part.

1 (4) If either the county board of education or the state board
2 fails to act on a petition within 120 days of receipt, the decision
3 of the governing board of the school district to deny a petition
4 ~~shall, thereafter,~~ *shall* be subject to judicial review.

5 (5) The state board shall adopt regulations implementing this
6 subdivision.

7 (6) Upon the approval of the petition by the county board of
8 education, the petitioner or petitioners shall provide written notice
9 of that approval, including a copy of the petition to the department
10 and the state board.

11 (k) (1) The state board may, by mutual agreement, designate
12 its supervisory and oversight responsibilities for a charter school
13 approved by the state board to any local educational agency in the
14 county in which the charter school is located or to the governing
15 board of the school district that first denied the petition.

16 (2) The designated local educational agency shall have all
17 monitoring and supervising authority of a chartering agency,
18 including, but not limited to, powers and duties set forth in Section
19 47607, except the power of revocation, which shall remain with
20 the state board.

21 (3) A charter school that is granted its charter through an appeal
22 to the state board and elects to seek renewal of its charter shall,
23 before expiration of the charter, submit its petition for renewal to
24 the governing board of the school district that initially denied the
25 charter. If the governing board of the school district denies the
26 *charter* school's petition for renewal, the *charter* school may
27 petition the state board for renewal of its charter.

28 (l) Teachers in charter schools shall hold a Commission on
29 Teacher Credentialing certificate, permit, or other document
30 equivalent to that which a teacher in other public schools would
31 be required to hold. These documents shall be maintained on file
32 at the charter school and are subject to periodic inspection by the
33 chartering authority. It is the intent of the Legislature that charter
34 schools be given flexibility with regard to noncore, noncollege
35 preparatory courses.

36 (m) A charter school shall transmit a copy of its annual,
37 independent financial audit report for the preceding fiscal year, as
38 described in subparagraph (I) of paragraph (5) of subdivision (b),
39 to its chartering entity, the Controller, the county superintendent
40 of schools of the county in which the charter school is sited, unless

1 the county board of education of the county in which the charter
2 school is sited is the chartering entity, and the department by
3 December 15 of each year. This subdivision does not apply if the
4 audit of the charter school is encompassed in the audit of the
5 chartering entity pursuant to Section 41020.

6 *SEC. 3. Section 47605.1 of the Education Code is amended to*
7 *read:*

8 47605.1. (a) (1) Notwithstanding any other ~~provision of law,~~
9 a charter school that is granted a charter from the governing board
10 of a school district or county office of education after July 1, 2002,
11 and commences providing educational services to pupils on or
12 after July 1, 2002, shall locate in accordance with the geographic
13 and site limitations of this part.

14 (2) Notwithstanding any other ~~provision of law,~~ a charter school
15 that is granted a charter by the ~~State Board of Education~~ *state*
16 *board* after July 1, 2002, and commences providing educational
17 services to pupils on or after July 1, 2002, based on the denial of
18 a petition by the governing board of a school district or county
19 board of education, as described in paragraphs (1) and (2) of
20 subdivision (j) of Section 47605, may locate only within the
21 geographic boundaries of the chartering entity that initially denied
22 the petition for the charter.

23 (3) A charter school that receives approval of its charter from
24 a governing board of a school district, a county office of education,
25 or the ~~State Board of Education~~ *prior to state board before* July 1,
26 2002, but does not commence operations until after January 1,
27 2003, shall be subject to the geographic limitations of ~~the~~ *this* part,
28 in accordance with subdivision ~~(e)~~ *(d)*.

29 (b) Nothing in this section is intended to affect the admission
30 requirements contained in subdivision (d) of Section 47605.

31 (c) Notwithstanding any other ~~provision,~~ *law,* a charter school
32 may establish a resource center, meeting space, or other satellite
33 facility located in a county adjacent to that in which the charter
34 school is authorized if the following conditions are met:

35 (1) The facility is used exclusively for the educational support
36 of pupils who are enrolled in nonclassroom-based independent
37 study of the charter school.

38 (2) The charter school provides its primary educational services
39 in, and a majority of the pupils it serves are residents of, the county
40 in which the school is authorized.

1 ~~(d) Notwithstanding subdivision (a) or subdivision (a) of Section~~
2 ~~47605, a charter school that is unable to locate within the~~
3 ~~geographic boundaries of the chartering school district may~~
4 ~~establish one site outside the boundaries of the school district, but~~
5 ~~within the county within which that school district is located, if~~
6 ~~the school district where the charter school proposes to operate is~~
7 ~~notified in advance of the charter petition approval, the county~~
8 ~~superintendent of schools is notified of the location of the charter~~
9 ~~school before it commences operations, and either of the following~~
10 ~~circumstances exist:~~

11 ~~(1) The school has attempted to locate a single site or facility~~
12 ~~to house the entire program but such a facility or site is unavailable~~
13 ~~in the area in which the school chooses to locate.~~

14 ~~(2) The site is needed for temporary use during a construction~~
15 ~~or expansion project.~~

16 ~~(e)~~

17 ~~(d) (1) For a charter school that was granted approval of its~~
18 ~~charter prior to before July 1, 2002, and provided educational~~
19 ~~services to pupils before July 1, 2002, this section shall only apply~~
20 ~~to any new educational services or schoolsites established or~~
21 ~~acquired by the charter school on or after July 1, 2002.~~

22 ~~(2) For a charter school that was granted approval of its charter~~
23 ~~prior to before July 1, 2002, but did not provide educational~~
24 ~~services to pupils before July 1, 2002, this section shall only apply~~
25 ~~upon the expiration of a charter that is in existence on January 1,~~
26 ~~2003.~~

27 ~~(3) Notwithstanding other implementation timelines in this~~
28 ~~section, by June 30, 2005, or upon the expiration of a charter that~~
29 ~~is in existence on January 1, 2003, whichever is later, all charter~~
30 ~~schools shall be required to comply with this section for schoolsites~~
31 ~~at which education educational services are provided to pupils~~
32 ~~prior to before or after July 1, 2002, regardless of whether the~~
33 ~~charter school initially received approval of its charter school~~
34 ~~petition prior to before July 1, 2002. To achieve compliance with~~
35 ~~this section, a charter school shall be required to receive approval~~
36 ~~of a charter petition in accordance with this section and Section~~
37 ~~47605.~~

38 ~~(4) Nothing in this section is intended to affect the authority of~~
39 ~~a governmental entity to revoke a charter that is granted on or~~
40 ~~before the effective date of this section.~~

1 ~~(f)~~
 2 (e) A charter school that submits its petition directly to a county
 3 board of education, as authorized by ~~Sections~~ *Section 47605.5* or
 4 *47605.6*, may establish charter school operations only within the
 5 geographical boundaries of the county in which that county board
 6 of education has jurisdiction.

7 ~~(g)~~
 8 (f) Notwithstanding any other ~~provision of~~ law, the jurisdictional
 9 limitations set forth in this section do not apply to a charter school
 10 that provides instruction exclusively in partnership with any of the
 11 following:

12 (1) The federal Workforce Investment Act of 1998 (29 U.S.C.
 13 Sec. 2801 et seq.).

14 (2) Federally affiliated Youth Build programs.

15 (3) Federal job corps training or instruction provided pursuant
 16 to a memorandum of understanding with the federal provider.

17 (4) The California Conservation Corps or local conservation
 18 corps certified by the California Conservation Corps pursuant to
 19 ~~Sections~~ *Section 14507.5* or *14406* of the Public Resources Code.

20 (5) Instruction provided to juvenile court school pupils pursuant
 21 to subdivision (c) of *Section 42238.18* or pursuant to *Section 1981*
 22 for individuals who are placed in a residential facility.

23 SECTION 1. ~~Section 47604.6 is added to the Education Code,~~
 24 ~~to read:~~

25 ~~47604.6. (a) If a charter school, its chartering authority, or a~~
 26 ~~school district or county office of education in which the charter~~
 27 ~~school operates within the boundaries of that school district or~~
 28 ~~county office of education, determines that a substantive violation~~
 29 ~~of a provision of this chapter, Chapter 2 (commencing with Section~~
 30 ~~47605), or Chapter 3 (commencing with Section 47610) has~~
 31 ~~occurred, it may submit a written complaint to the advisory~~
 32 ~~committee established pursuant to paragraph (1) of subdivision~~
 33 ~~(b) of Section 47634.2.~~

34 ~~(b) Upon receipt of a written complaint pursuant to subdivision~~
 35 ~~(a), the advisory committee shall appoint a panel to hear the~~
 36 ~~complaint. The panel shall be composed of three representatives~~
 37 ~~of the advisory committee, one representative of a school district~~
 38 ~~superintendent, governing board of a school district, or county~~
 39 ~~superintendent of schools, one charter school representative, and~~

1 one teacher. The panel shall hear the written complaint submitted
2 pursuant to subdivision (a) and may do either of the following:
3 (1) ~~Determine if a substantive violation of this chapter, Chapter~~
4 ~~2 (commencing with Section 47605), or Chapter 3 (commencing~~
5 ~~with Section 47610) has occurred.~~
6 (2) ~~If the panel determines a substantive violation has occurred,~~
7 ~~recommend to the state board a corrective action plan for the~~
8 ~~charter school or local educational agency in violation and~~
9 ~~consequences if the charter school or local educational agency in~~
10 ~~violation fails to implement the corrective action plan. The panel~~
11 ~~shall submit any recommendations it makes to the state board.~~
12 (e) ~~The state board shall consider whether to adopt and~~
13 ~~implement the recommendations submitted by the panel.~~